

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABRAHAM LEAVITT,

Plaintiff,

v.

EVERI HOLDINGS INC. dba CENTRAL
CREDIT,

Defendant.

NO. 2:23-cv-01817-RAJ

DECLARATION OF ALEXANDER R.
MILLER IN SUPPORT OF DEFENDANT
CENTRAL CREDIT, LLC'S MOTION TO
DISMISS FIRST AMENDED
COMPLAINT

NOTE ON MOTION CALENDAR:
JUNE 25, 2024

I, Alexander R. Miller, declare as follows:

1. I am an attorney duly licensed to practice law before all courts of the State of California and am an associate of Glaser Weil Fink Howard Jordan & Shapiro LLP, and admitted *pro hac vice* as counsel of record for Defendant Central Credit LLC ("Central Credit") in this matter. This declaration is submitted in support of Central Credit's Motion to Dismiss First Amended Complaint. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently to such facts under oath.

DECLARATION OF ALEXANDER R. MILLER IN
SUPPORT OF DEFENDANT CENTRAL CREDIT,
LLC'S MOTION TO DISMISS FIRST AMENDED
COMPLAINT - 1

Case No. 2:23-cv-01817-RAJ

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**GORDON REES SCULLY
MANSUKHANI, LLP**

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1 2. Prior to the filing of Credit Central's Motion to Dismiss First Amended
2 Complaint I met and conferred extensively with Plaintiff's counsel Andrew B. Grimm of the
3 Digital Justice Foundation regarding Plaintiff's First Amended Complaint (ECF 1, "FAC").

4 3. Our initial meet and confer took place telephonically on March 8, 2024.
5 During that call Mr. Grimm and I discussed the FAC and Central Credit's contention that the
6 FAC fails to allege sufficient facts to state a claim and is otherwise deficient, among other things.
7 A true and correct copy of our email correspondence confirming our discussion is attached as
8 Exhibit A.

9 4. Following our initial meet and confer call on March 8, 2024, the parties
10 continued to meet and confer further both by email and telephonically. On March 18, 2024, I
11 sent a follow up email to Mr. Grimm reiterating our position that Central Credit had very strong
12 grounds to move to dismiss. In response to Mr. Grimm's request that I provide legal authorities
13 in support of Central Credit's position, I provided him with case law that addressed issues we
14 discussed on our previous call relating to purported new allegations by Plaintiff that are not
15 raised in the FAC. A true and correct copy of that email correspondence is attached as Exhibit
16 B. I did not receive a substantive response to this email.

17 5. On March 25, 2024, I telephonically met and conferred with Mr. Grimm again.
18 During that call, Mr. Grimm advised that he agreed that the FAC did not state an actionable
19 claim against Central Credit as currently pleaded, but that Plaintiff anticipated amending his
20 FAC to instead raise three new claims not identified in the FAC, namely that: (1) Central Credit
21 allegedly did not provide Plaintiff with a statutorily required notice that he could include a
22 statement in his file disputing the accuracy of Central Credit's report; (2) Central Credit did not
23 notify the furnisher of the credit information about Plaintiff within 5 days of Plaintiff's dispute
24 letter to Central Credit and did not provide all relevant information regarding the dispute to the
25 furnisher; and (3) one of Central Credit's service representatives "blocked" Plaintiff from
26

DECLARATION OF ALEXANDER R. MILLER IN
SUPPORT OF DEFENDANT CENTRAL CREDIT,
LLC'S MOTION TO DISMISS FIRST AMENDED
COMPLAINT - 2

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1 sending the representative information regarding the dispute—even though Plaintiff was able to
2 correspond with another representative instead. On March 28, 2024, I sent an email
3 memorializing our March 25, 2024, call and rebutted each of Mr. Grimm’s points regarding the
4 threatened new claims. A true and correct copy of that email correspondence is attached as
5 Exhibit C. To be clear, none of these arguments has any basis and I explained that to Mr. Grimm.
6 He did not respond to my email.

7 6. Again receiving no response to my March 28, 2024 email, I followed up with
8 Mr. Grimm on April 3, 15, and 18, 2024, each time requesting that he please respond to the
9 points raised in my email and confirm that Plaintiff would dismiss the FAC so that Central Credit
10 would not unnecessarily incur costs in being forced to move to dismiss instead. After these
11 outreaches, on April 18, 2024, Mr. Grimm finally responded that he believed “[t]here is a lot in
12 your March 28 email that is plainly incorrect,” and claimed that he would respond further. True
13 and correct copies of this email correspondence are attached as Exhibit D.

14 7. Mr. Grimm never responded further to my requests for a response, other than
15 to forward an email apparently in support of one of Plaintiff’s anticipated amended claims on
16 April 29, 2024. I promptly responded to Mr. Grimm’s email that day and again asked him to
17 confirm that Plaintiff would either dismiss the FAC or file an amended complaint. Mr. Grimm
18 never responded. I sent a final email on May 8, 2024, confirming that Central Credit would
19 begin work on its motion to dismiss as Mr. Grimm refused to provide any further substantive
20 response to our meet and confer efforts. True and correct copies of this email correspondence
21 are attached as Exhibit E. As of the time of filing this motion, I still have not heard back from
22 Mr. Grimm

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the
2 United States of America that the foregoing is true and correct, and that this declaration is
3 executed on May 27, 2024, in San Diego, California.
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5 /s/ Alexander R. Miller
6 Alexander R. Miller
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DECLARATION OF ALEXANDER R. MILLER IN
SUPPORT OF DEFENDANT CENTRAL CREDIT,
LLC'S MOTION TO DISMISS FIRST AMENDED
COMPLAINT - 4

Case No. 2:23-cv-01817-RAJ

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